

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal Nos. 99-122
) 00-126, 01-156, 05-172
JOSEPH DEES)

**DEFENDANT JOSEPH DEES'S
MOTION FOR RELEASE PENDING TRIAL**

Defendant Joseph Dees ("Mr. Dees"), by his counsel,
Assistant Federal Public Defender Linda E.J. Cohn, and
pursuant to 18 U.S.C. § 3142, respectfully moves this
Honorable Court to hold a detention hearing, and to release
Mr. Dees pending trial. In support thereof counsel states:

1. In docket numbered Cr. 05-172, Mr. Dees was arraigned on a two-count Indictment alleging violations of Title 18, U.S.C. §§ 1029(a)(2) and 1028 (A)(a)(1); unauthorized use of access devices and aggravated identity theft.
2. In dockets numbered Cr. 99-122, Cr. 00-126, and Cr. 01-126, Mr. Dees is also charged with violating the terms of his supervised release for the same alleged conduct that resulted in the indictment filed in case number Cr. 05-172.

(Collectively referred to herein as "violation cases")

3. When Mr. Dees appeared before the magistrate judge at both his initial appearance and at his arraignment, he did not exercise his right to a detention hearing because he was also being held on the violation cases. Thus, United States Magistrate Judge Robert C. Mitchell granted the government's motion for detention "pending further consideration if and when the issue of bail becomes relevant." See Waiver of Detention Hearing (attached hereto as Exhibit A).

4. Mr. Dees would like to be released pending trial. He, therefore, requests a detention hearing pursuant to 18 U.S.C. § 3142(f).

WHEREFORE, it is respectfully requested that this Honorable Court schedule a detention hearing in this case and, upon completion of such hearing, release Mr. Dees pending trial.

Respectfully submitted,

S/Linda Cohn

Linda E.J. Cohn
Assistant Federal Public Defender